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Special Assistant Attorneys General for Defendants Oregon
Health Authority, an agency of the State of Oregon, and
Patrick Allen in his official capacity as director of the
Oregon Health Authority

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

FAMILYCARE, INC., an Oregon non-profit
corporation,

Case No. 6:18-cv-00296-MO

Plaintiff,

v.

**DECLARATION OF DAVID BADEN IN
SUPPORT OF DEFENDANT OREGON
HEALTH AUTHORITY'S MOTION TO
STAY**

OREGON HEALTH AUTHORITY, an agency
of the State of Oregon, and PATRICK
ALLEN, both individually and in his official
capacity as director of the Oregon Health
Authority, and LYNNE SAXTON,

Defendants.

I, David Baden, declare:

1. I am the Chief Financial Officer of the Oregon Health Authority. I make this
declaration of my own personal knowledge. The following statements are true and correct and,
if called upon, I could competently testify to the facts averred herein.

2. I became CFO of OHA in 2019. Before becoming CFO of OHA, I was the Deputy CFO of the U.S. Centers for Disease Control and Prevention. As CFO of OHA, I am responsible for managing, planning, and implementing all the financial activities of the agency. As a member of the core leadership team of OHA, I am actively involved in the management of the litigation. In addition, OHA's Actuarial Services Unit reports directly to me and I am in charge of overseeing Medicaid rate-setting.

3. OHA and Oregon are at a critical point in the coronavirus pandemic. The spread of the virus is significantly worse than it was over the summer. Infections are three-times the rate they were in July. The state is facing a winter surge and working to manage guidance and restrictions to control the spread. In addition, Oregon, like the rest of the country, is facing the introduction of a new coronavirus variant that is more contagious. That variant has arrived in Oregon. In addition to responding to the accelerated pace of infection, OHA also runs Oregon's vaccine program. The agency is responsible for ensuring that Oregonians are rapidly, safely, and equitably vaccinated. Distributing a two-dose vaccine that requires special transportation and storage requirements, according to carefully defined eligibility criteria, is an extraordinarily complex challenge. The combined challenges of responding to infections and managing the distribution of the vaccine demands an enormous time commitment from OHA, its leadership, and its staff.

4. Beginning on January 2, 2021, I became the Lead Executive Sponsor for Oregon's vaccine program. That means I am the single executive in charge of managing Oregon's vaccine distribution. My responsibilities include determining where the vaccine gets shipped, ensuring that vaccine providers have all of the tools necessary to safely store and administer the vaccine, developing and publishing messaging to the public regarding access to and the safety of the vaccine, and reporting to the public and the legislature about the progress of our work.

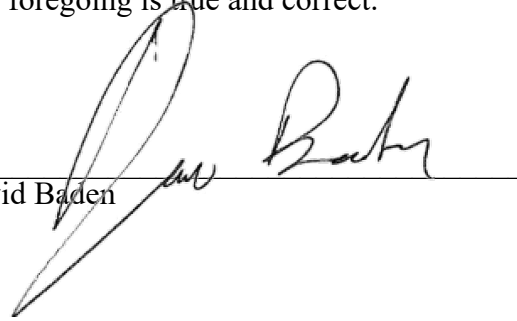
5. My work leading the vaccine program completely consumes my time. I am working 14 hours a day, seven days a week. At least 95% of those hours are dedicated to vaccine work. I have deferred my other CFO responsibilities. I do not expect this time commitment to significantly change in the next 60 days.

6. Given the pandemic and my responsibilities to coordinate vaccine distribution, I presently have no additional capacity. I cannot dedicate any additional hours to litigation. If I had to spend time managing and participating in this litigation, I would be forced to forego other vitally important work that protects the health and safety of Oregonians.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 22 day of January, 2021.

David Baden

A handwritten signature in black ink, appearing to read "David Baden", is written over a horizontal line. The signature is stylized and cursive.

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